

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FALCON ENTERPRISES, INC., *et al.*,

Plaintiffs,

v.

CENTURION LTD., *et al.*,

Defendants.

No. C07-0065RSL

ORDER OF DEFAULT
AGAINST DEFENDANT
BIZMEDIA, INC.

This matter comes before the Court on “Plaintiffs’ Motion for Entry of Default Against Defendant Bizmedia, Inc.” (Dkt. #24). Plaintiffs seek entry of default under Fed. R. Civ. P. 55(a) because defendant Bizmedia, Inc. has failed to plead or otherwise defend this action.

Under Fed. R. Civ. P. 55(a), “When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules and that fact is made to appear by affidavit or otherwise, the clerk shall enter the party’s default.” “[A]n entry of default may be made by either the clerk or the judge.” See Jackson v. Beech, 636 F.2d 831, 835 (D.C. Cir. 1980). In this case, plaintiffs submitted the declaration of Spencer Freeman in support of their motion for entry of default asserting that more than 20 days have passed since defendant Bizmedia, Inc. was properly served with the Summons and Amended Complaint. See Dkt. #25. To date, defendant Bizmedia, Inc. has failed to plead or otherwise defend this action.

In opposition, defendant Centurion Ltd. filed a response to the entry of default against defendant Bizmedia, Inc. requesting that the Court deny plaintiffs’ motion and instead allow

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1 defendant Bizmedia, Inc. thirty days to engage counsel in Washington in order to appear and
2 respond to plaintiffs' amended complaint. See Dkt. #30. Defendant Centurion Ltd., however,
3 does not have standing at this point to contest default proceedings against defendant Bizmedia,
4 Inc. See Schmid, Inc. v. Zucker, 766 F. Supp. 118, 123 (S.D.N.Y. 1991) ("Attorney Kaplan
5 represents only defendant ZGI and as such has no standing to challenge default proceedings
6 against the other defendants."). Accordingly, the Court has not considered the arguments of
7 defendant Centurion Ltd.'s counsel on behalf of defendant Bizmedia, Inc. in this case.

8 The Court has reviewed the record in this matter, and for all of the foregoing reasons, it is
9 hereby ORDERED that DEFENDANT BIZMEDIA, INC. is in default.

10 DATED this 30th day of April, 2007.

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14 Robert S. Lasnik
15 United States District Judge
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